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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : PICKERING et al. Confirmation No: 1754
Appl. No. : 09/926,051
Filed : November 15, 2001
Title : STABILIZATION OF TRANSITION ALUMINA

TC/A.U. : 1754
Examiner : C. Nguyen

Docket No.: : PICK3002/REF
Customer No: : 23364

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action of October 1, 2003, in connection with the above identified application.

The present application is the national stage of a PCT application in which there was no lack of unity objection and for which an International Search Report for the claims has been received. This greatly reduces the search requirement and there is no undue burden on the Office in searching all of the claims for which the filing fee has been paid. The Examination of all of the claims on the merits is consistent the restriction practice action plan recently announced by the USPTO.

The Official Action is a lack of unity objection in which it is urged that there are three separate and distinct inventions claimed in this application. In accordance with this requirement, Applicants elect the Group I invention which includes claims 1-15, 23 and 24. The election is made with traverse. Applicants reserve the right to file one or more divisional applications on the non-elected inventions at a later time should the requirement be maintained.

Applicants do not agree with the Examiner's statement and reason in support of the lack of unity objection. Applicants most respectfully submit that the three groups relate to processes that are linked by the same general inventive concept as evidenced by the fact that there was no lack of unity objection in during international examination.

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Reply to OA of: October 1, 2003

Applicants most respectfully submit that claim 1 relates to a process for the production of a precursor material, which is the main invention of this application. Claims 16 and 18 define two processes which both depend on claim 1, and therefore include all the limitations of claim 1.

There is thus a technical relationship among those three processes, which involve the special technical features (a) and (b) listed in claim 1.

In addition, the objection of unity of invention is surprising since claims 16 and 18 are not independent claims, but they depend on claim 1.

It is Applicants' understanding that, "if the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims". (See MPEP §1850, "A. Independent and Dependent Claims".)

In the present application, the patentability of claim 1 has not been objected to by the Examiner, and claims 16 and 18 depend on claim 1. Therefore, no problem of unity of invention should arise. Accordingly, it is most respectfully requested that the restriction be withdrawn.

In view of the election of the Group I invention, with traverse, an early and favorable action on the merits is now believed to be in order and is most respectfully requested.

Respectfully submitted,
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